IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSEPH ESKRIDGE,)
Plaintiff,	
v.	Civil Action No. 06-193 Erie
MS. PETERS, et al.,	
Defendants.	}
	ORDER

This matter has been referred to United States Magistrate Judge Susan Paradise Baxter in accordance with the Magistrates Act, 28 U.S.C. §§ 636 (b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation filed on February 28, 2008, recommended that Defendants' Motion for Summary Judgment (Doc. 24) be granted in part and denied in part. The parties were allowed ten (10) days from the date of service to file any objections. Service was made on all parties. Plaintiff has filed no objections to the report and recommendation.

After *de novo* review of the documents in the case, together with the report and recommendation, the following Order is entered:

AND NOW, to-wit, this 31st day of March, 2008, IT IS HEREBY ORDERED that the report and recommendation of Magistrate Judge Baxter dated February 29, 2008 be and hereby is adopted as the Opinion of this Court. It is further ORDERED that the motion for summary judgment be and hereby is denied as to the excessive force claim against Defendant Peters and granted in all other respects. Defendants Jadlocki, Plunkett, McCloskey, Reifer and Wilt be and hereby are dismissed from this action.

sMaria 6. Colilly.

Maurice B. Cohill, Jr. Senior United States District Judge cc: The Honorable Susan Paradise Baxter United States Magistrate Judge

all parties of record